

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 1066 (S/S)07

Belam Singh Rawat W/o Sri Baijnath Singh,
Supply Inspector of Gyanshu Food Grain Godown,
Tehsil-Bhatwadi, District Uttarkashi. -----Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
Food & Civil Supplies Secretariat, Dehradun,
2. Collector, Uttarkashi,
District Uttarkashi. ---Respondents.

Sri Lok Pal Singh learned counsel for the petitioner.
Sri N. P. Sah, learned counsel for the State of Uttarakhand/ respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lok Pal Singh, learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for State of Uttarakhand.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

- i. Issue a writ, order or direction in the nature of certiorari quashing the impugned transfer orders dated 03.08.2007 passed by the respondent no. 2, contained as annexure no. 6 to this writ petition, in respect of the petitioner,
- ii. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner,
- iii. Cost of the petition be awarded in favour of the petitioner.

Stand of the petitioner is that on account of medical ground he had requested the authorities to transfer him from district Tehri Garhwal to District Uttarkashi and the authorities after accepting request of the petitioner, vide order dated 04.09.2006, transferred the petitioner from district Tehri Garhwal to district Uttarkashi. On 28th June 2007, the petitioner was relieved from Tehri in pursuance of the aforesaid order dated 4th September 2006. On the next date i.e. 29th June 2007, the petitioner gave his joining in the officer of District Supply Officer, Uttarkashi. Thereafter, on 26th July 2007, the District Magistrate, Uttarkashi passed order for posting of the petitioner by which he was posted at Ghyanshu, district Uttarkashi and in pursuance to that order, the petitioner joined at Ghyanshu on 27th July 2007, however by the impugned order dated 3rd August 2007 the District Magistrate, Uttarkashi has modified his earlier order dated 26th July 2007 (by which the petitioner was posted at Ghyanshu) and issued a list of 11 persons transferring them from one place to another.

Contention of the learned counsel for the petitioner is that vide order dated 26th July 2007 merely posting of the petitioner was done and by amending this posting order, 11 persons have been disturbed in mid session, including the petitioner. Further, the petitioner has already shifted at Ghyanshu and after he has established at Ghyanshu, he has been uprooted again by passing the impugned order transferring him to Chinyalishod.

It is submitted that the petitioner, in this regard, has already moved a representation before the District Magistrate, Uttarkashi on 06.08.2007 which is annexed as annexure no. 8 to the writ petition.

In the circumstances aforesaid, I deem it fit and proper to direct the Collector, Uttarkashi/respondent no. 2 to take decision on the representation of the petitioner dated 06.08.2007, contains as annexure no. 8 to the writ petition, within a period of one week from the date of production of a certified copy of this order before him. The petitioner is also directed to produce a certified copy of this order before respondent no. 2 within one week from today.

Till the decision is taken on the representation of the petitioner or till 31st August 2007, whichever is earlier, the impugned order dated 3rd August 2007, passed by the Collector, Uttarkashi (annexure no. 6, so far as it relates to the petitioner), shall be kept in abeyance.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 13, 2007:
NCM: